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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DIVISION OF CALIFORNIA
 San Francisco Division

PETER CONLAN)	Case No. CV09-3406-MMC
)	
Plaintiff,)	STIPULATION AND ORDER FOR
)	DISMISSAL WITH PREJUDICE
)	
v.)	
)	
CUTERA Inc.)	
)	
Defendant.)	
_____)	

IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action be, and hereby is, dismissed with prejudice pursuant to Fed.R.Civ.P. 41(a)(1). Provided, however, that if any party hereto shall certify to this Court, with a proof of service of a copy on opposing counsel, within 90 days from the date hereof, that the agreed consideration for the settlement has not been delivered over, this Order shall stand vacated, and the action shall be restored to the calendar to be set for trial.

Dated: January 5, 2010

McGUINN, HILLSMAN & PALEFSKY
Cliff Palefsky
Carolyn Leary

By: _____ /S/

Attorneys for Peter Conlan

Dated: January 5, 2010

Dillingham & Murphy, LLP
Carla Hartley
Molly Mrowka

By: _____ /S/

Attorneys for Cutera, Inc.

IT IS SO ORDERED.


The Honorable Maxine Chesney

Date: January 6, 2010